

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON MITCHELL DARRAH,

Defendant.

CR 20–20–M–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on August 20, 2020. (Doc. 32.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Brandon Mitchell Darrah’s guilty plea after Darrah appeared before her pursuant to Federal Rule of Criminal Procedure 11. Darrah pled guilty to violating 18 U.S.C. § 922(g)(1), prohibited person in possession of a firearm and ammunition, as set out in the Indictment.

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 32) IN FULL.

IT IS FURTHER ORDERED that Darrah's motion to change plea (Doc. 23) is GRANTED, and Brandon Mitchell Darrah is adjudged guilty as charged in the Indictment.

DATED this 4th day of September, 2020.



Dana L. Christensen, District Judge
United States District Court